

## **MEMORANDUM**

**TO:** District of Columbia Board of Zoning Adjustment  
**FROM:** Stephen J. Mordfin, AICP, Case Manager  
 Joel Lawson, Associate Director Development Review  
**DATE:** July 16, 2013  
**SUBJECT:** BZA Case 18595, 620 9<sup>th</sup> Street, N.E.

### **I. OFFICE OF PLANNING RECOMMENDATION**

The Office of the Attorney General (OAG) has informed the Office of Planning (OP) that relief from a definition cannot be granted. Therefore, the Office of Planning has no recommendation for this variance request to the definition of “yard”, other than that the case be dismissed.

### **II. LOCATION AND SITE DESCRIPTION**

Address	620 9 <sup>th</sup> Street, N.E.
Legal Description	Square 913, Lot 846
Ward	6
Lot Characteristics	Rectangular lot with access to a 6-foot wide rear alley
Zoning	R-4: Row houses, flats and conversions
Existing Development	Row house, permitted in this zone
Adjacent Properties	North and South: Row houses East: Across 9 <sup>th</sup> Street, an elementary school and a recreation center West: Across the public alley, semi-detached dwellings
Surrounding Neighborhood Character	Moderate density residential

### **III. APPLICATION**

The applicant proposes to remove an existing landing at the rear of the property and construct an 84 square foot deck in its place. At a maximum height of three feet, ten inches, the proposed deck is not a building, does not contribute toward lot occupancy and need not conform to minimum yard requirements.

The Zoning Administrator referred the applicant to the BZA to obtain special exception relief from § 199.1, Definition of Yard, to permit a structure to occupy in excess of fifty percent of a required yard. At the suggestion of OZ the applicant applied for variance relief, because special exception relief can only be granted for specified uses as described in the Zoning Regulations.

OAG informed OP that neither a variance nor a special exception relief may be granted to a definition. OAG also indicated that § 2503.2, Structures in Required Open Spaces, states, “*A structure, not including a building no part of which is more than four feet (4 ft.) above the grade at any point, may occupy any yard required under the provisions of this title.*” The proposed deck is a structure, no part of which is more than four feet above the grade at any point. As a result, OAG informed OP that no relief is necessary for the construction of this deck.